



DAY OF THE ENDANGERED LAWYER 2020 PAKISTAN: A struggle to protect Pakistani lawyers, especially against Islamic fundamentalism and terrorism BASIC REPORT

Background

Over the past several years lawyers in Pakistan have been subjected to acts of mass terrorism, murder, attempted murder, assaults, (death) threats, contempt proceedings, harassment and intimidation in the execution of their professional duties. They have also been arrested, detained or tortured, and in some cases the family members of the murdered lawyer have also been murdered. Some lawyers have been threatened with disbarment or had their homes raided by the police. Sometimes Christian lawyers or members of minority sects have been assaulted or threatened with death. The most notorious attack on Pakistani lawyers occurred on August 8, 2016 when terrorists attacked the Government Hospital of Quetta with a suicide bombing and shooting which resulted in the death of 56 lawyers. Since there has been an alarming increase in the number of lawyers murdered, with nine reported over the past year. More recently Saif-ul-Malook received

serious death threats for representing Asia Bibi, who had been sentenced to death for blasphemy, as a result of which he was forced to flee temporarily to the Netherlands.

The perpetrators of these attacks have been terrorists, religious zealots, the police and unreported sources. There have also been reports that pro-government militias (which still exist today) have been behind some of the murders, and in some cases lawyers have been killed because they are Shia. In response to these repeated attacks, Pakistani lawyers frequently strike, demonstrate, protest and hold boycotts.

The life of an Advocate is at risk the moment he or she takes up a case. It does not matter if it is the opposing party or the very party that the lawyer is representing.

By its constitution of 1956, the official name of Pakistan is the Islamic Republic of Pakistan. More than 96% of Pakistan's 197 million citizens (2017) are Muslims, and Islam is the state religion, the overwhelming majority of whom are Sunni Muslims. Pakistan has also an important minority of Shi'ite Muslims as well as a number of other minority religions, including Christianity, whose followers are subjected to discrimination, violence and death, especially the misuse of blasphemy laws. Among countries with a Muslim majority, Pakistan has the strictest anti-blasphemy laws. The Pakistan Penal Code punishes blasphemy (Urdu: قانون توہین رسالت) against any recognized religion, providing penalties ranging from a fine to death. From 1967 to 2014, over 1,300 people were accused of blasphemy, with Muslims constituting most of those accused. Between 1987 to 2017 at least 1,500 people were charged with blasphemy and at least 75 people involved in accusations of blasphemy were killed in Pakistan according to the Center for Social Justice.

Many people accused of blasphemy have been murdered before their trials were concluded, and prominent figures who opposed the blasphemy law have been assassinated. In fact since 1990, 62 people have been murdered following blasphemy allegations. According to one religious minority source, an accusation of blasphemy commonly exposes the accused, police, lawyers, and judges to harassment, threats, attacks and rioting.

Violence and the threat of violence are omnipresent in Pakistan, and according to the Ministry of Interior terrorism poses a significant threat to the people of Pakistan. The current wave of terrorism is believed to have started in 2000 and peaked during 2009. According to a 2018 report by Brown University's Watson Institute for International and Public Affairs, 23,372 Pakistani civilians and 8,832 Pakistani security personnel had been killed in the war on terrorism. Pakistan is said to be a safe haven for a number of terrorist groups, including Al-Qaeda, it has been accused of giving aid to the Taliban and hosting terrorist camps, and therefore it is responsible for state-sponsored or state-condoned terrorism.

Pakistani law is based upon the legal system of British India, thus ultimately on the Common Law of England and Wales. There are six Bar Councils in Pakistan which came into being as a result of enactment of Legal Practitioners and Bar Councils Act 1973. These Bar Councils regulate legal professionals across provincial, territorial and national levels. They include the Bar Councils of: Punjab, Sindh, Balochistan, Islamabad, Azad Jammu & Kashmir, Khyber Pakhtunkhwa, as well as the Pakistan Bar Council, the national Bar association.

The cases mentioned in this report have been documented by Pakistani lawyers, the International Association of People's Lawyers (IAPL), Lawyers' Rights Watch Canada (LRWC), Zykryia Muiloo and the European Bar Human Rights Institute (IDHAE).



The August 8, 2016 Quetta terrorist attack

Bilal Anwar Kasi, a prominent lawyer and the president of the Balochistan Bar Association, was shot dead by an unknown gunman on the morning of August 8 while leaving his home for his office. His dead body was brought to the Government Hospital for autopsy and many lawyers assembled outside. A suspected suicide bombing took place inside the hospital, which was followed by gunfire resulting in many fatalities and injuries (94 people were killed and over 120 injured). Of the 280 practising lawyers in Quetta at the time, 56 were killed and 92 were injured, consequently a large part of the Balochistan Bar was simply eliminated.

Both the Pakistani Taliban and the Islamic State terrorist group (ISIS) claimed responsibility for the attack. Initially ISIS claimed the responsibility for the attack, however, Jamaat-ul-Ahar, a splinter group of Pakistani militant group Tehrik-i-Taliban, also claimed credit for the attack on Kasi and the hospital. The group threatened that more attacks would take place "until the imposition of an Islamic system in Pakistan". Formed on the orders of the top court, Justice Qazi Faez Isa headed up a commission to investigate the circumstances of the attack and issued a report on December 13, 2016, which blamed the government, including the interior ministry, over its failure to take action against militant organizations. However, despite promises made by the provincial government to the families of the slain lawyers the recommendations have not been implemented. In fact, very little progress has been made in the investigation and minimum effort has been made to implement important recommendations. Moreover, Taliban suicide bombers have also attacked courthouses, resulting in deaths and many injuries since August 2016. Considering the fact that the Taliban and other terrorist groups still have a serious presence in many parts of Pakistan and who still carry out frequent attacks on many different targets, Pakistani lawyers face a constant threat of targeted violence, including murder.



At least 21 lawyers murdered since February 2018

The International Association of People's Lawyers (IAPL) Monitoring Committee on Attacks on Lawyers recorded the following lawyers murdered : Zainullah Khan (March 30, 2018), Sanam Sikandar Umrani (aka Waqar Umrani May 31, 2018), Zamin Khan (June 6, 2018), Haroon Bilour (August 13, 2018), Yasir Zikyria (August 15, 2018), Syed Azan Kundi (December 24, 2018), Naizmeen Shah (January 8, 2019), Naila Amjad (January 11, 2019), Asif Hussain (March 1, 2019), Chaudhary Ghazanfar Ali Warraich (May 31, 2019) and Malik Dilawar Hussain (July 17, 2019). It should be noted that these are only the murders that the Monitoring Committee has documented, and there are probably others. Although some of Pakistan's English-language media reports on attacks against lawyers, some of their media is published in Urdu or other languages that make it difficult or impossible for us to monitor.

Lawyers' Rights Watch Canada (LRWC) documented a further nine murders or assassinations of Pakistani lawyers in which they intervened, from 2014 until February 2018: Pervez Akhtar (February 7, 2018), Muhammad Idress (February 5, 2018), Rauf Ahmad Thaur Sheikhpura (October 9, 2017), Alia Shenzadi Sheikhpura (May 16, 2017), Saleem Latif Nakana Sahib (March 30, 2017), Mohammad Jan Gigyani (March 4, 2017), Irfan Chauhan and Rana Khalid Abbas (May 25, 2015) and Rashid Rehman Khan (May 4, 2014). There are also reports of attempted murders against Pakistani lawyers. According to LRWC on December 3, 2014 several gunmen on motorcycles attacked the Multan residence of Shahbaz Gormani, a lawyer defending a university lecturer against blasphemy charges. Gormani was acting as defence council for Professor Junaid Hafeez after previous council and prominent human rights lawyer Rashid Rehman Rashid was shot dead by gunmen on May 7, 2014. The gunmen fired indiscriminately at the residence of Gormani and warned him of future consequences. The attacks discussed above are not new phenomenon. Prior to this period, between 2004 and 2014 it was reported that during five separate attacks about 310 lawyers were killed.

Additionally IDHAE documents for 2018 the following cases:

- February 7, 2018: Pervez Akhtar Cheema, shot dead in his car on his way to a hearing in Sheikhpura
- February 9, 2018: Rizvam, severely attacked because he was defending an accused of blasphemy

- February 20, 2018: Rana Ishtiaq and Owais Talib, killed during a hearing at the Lahore courthouse

Lawyers from Pakistan have reported a number of other murderous attacks on lawyers in 2019

- May 3, 2019, brutal murder of **Mahr Muhammad Yasin Sahu** adv Multan (family dispute)
- June 3, 2019, murderous attack on **Muhammad Adnan Othi, Chaudhary Shahid Meo, Muammad Tahir Aslam**. Three advocates were seriously injured and the culprits were close relative of DPO Narrowal who were not arrested by the police.
- July 13, 2019, murderous attack on **Mahr Ghulam Noul**.
- June 20, 2019, murderous attack on **Syed Noor Ahmad Shah** adv and nine others in TBA Arifwala.
- July 16, 2019, murderous attack on **Basharat Hundal** adv of Rahim Yar Khan.

Consequently, our Pakistani colleagues continue to be subjected to acts of violence, and more recently, in early July 2019, a lawyer was seriously assaulted by a judge during a trial, which led to a local strike ("Black Day") of lawyers lasting at least a week. At the national level recently there have been repeated strikes by lawyers, especially in solidarity with two judges who have been under attack by Pakistan President Arif Alvi. The latest national strikes organized by the Pakistan Bar Council were held on July 13th and 27th, and August 8th when many Pakistani lawyers went on strike to commemorate the Quetta massacre. These were followed by another strike on August 26th.



The case of Saif-ul-Malook

Individual lawyers, like high-profile lawyer Saif-ul-Malook, also continue to face a high risk of death or physical harm. Saif-ul-Malook was targeted with death threats after he obtained the acquittal on appeal of his client, Asia Bibi, who had been on death row since 2010 after her conviction for blasphemy. Malook subsequently received death threats and was forced to seek protection from European governments. Chief Justice Mian Saqib Nisar, Justice Asif Saeed Khosa and Justice Mazhar Alam Khan, the judges who overturned her conviction for blasphemy, were also threatened with death.

Malook fled to the Netherlands last November after violent protests erupted over the Pakistani Supreme Court's decision to overturn Bibi's 2010 death sentence. He returned to Islamabad on January 26, 2019 to defend Bibi as she faced another and final appeal of the Supreme Court's

decision. The final appeal was rejected at the end of January 2019. Bibi, who has been detained in protective custody, was expected to leave Pakistan as well to seek asylum in Canada (where her children have already obtained refugee status) or a European country. However, the situation was so volatile and violent in the country that she was unable to leave the country for several months. It is reported that Malook is afraid to leave his apartment, and he is in great danger of serious harm or death. While he was in the Netherlands the Christian NGO Stichting HVC sheltered him, and was instrumental in ensuring that he was able to remain temporarily and safely in the country.

A less prominent case involves Shagufta Kauser and her disabled husband Shafqat Masih, who are accused of sending blasphemous text messages to a Muslim cleric despite the fact that both of them are illiterate. The text messages were written in English, a language that neither of them speak nor do they have any knowledge of alphanumeric symbols. Like so many Christians in Pakistan, the family come from a poor background which makes them an easy target. They have been imprisoned now for five years, face the death penalty and are also represented by Saif-ul-Malook. Along with condemning the torture which Masih was subjected to at the hands of the police, Malook has also expressed concerns that the judge who pronounced the death sentence was intimidated by hardline lawyers and religious leaders in the community. Due to his representation of these blasphemy accused, Malook continues to receive serious, ongoing and credible death threats.

Demands and recommendations

Given the extremely large number of lawyers killed particularly since 2004, and the ongoing serious risk of further terrorist attacks and physical attacks against lawyers, we are convinced that the protection from physical harm of Pakistani lawyers is urgent and a top priority, especially since the Pakistani authorities are unable or unwilling to provide effective protection to the legal profession.

- 1) Together with our colleagues in Pakistan, we demand the immediate and comprehensive implementation of the Justice Qazi Faes Isa report on the August 8, 2016 Quetta massacre of lawyers. LRWC called on the Government of Pakistan to investigate and remedy the murders of Bilal Anwar Kasi and each of the estimated 78 others killed in the bombing, the majority of whom were lawyers. The LRWC called on the Government of Pakistan to give priority to ensuring the identification and punishment of the perpetrators through effective investigation, competent prosecutions and fair trials. In consultation with the legal profession and security experts, the Government of Pakistan must put in place measures to prevent such attacks and to ensure that lawyers are free to carry out their professional duties in safety and without fear of reprisals or attacks. We support these demands.
- 2) The case of Saif-ul-Malook demonstrates that temporary protection afforded to endangered lawyers outside of Pakistan can be an effective protective mechanism for protecting them from serious harm or death. We call upon NGOs like ProtectDefenders.eu, Bar associations, law societies, human rights organizations, bodies of the United Nations and foreign governments to provide temporary and permanent protection to endangered Pakistani lawyers.
- 3) LRWC also called for remediation in the murder cases of Pakistani lawyers. Remediation requested included calls on Pakistan to comply with its international law obligations to: investigate and hold perpetrators accountable, provide effective protection, put in place measures necessary to promote religious tolerance and to prevent and punish vigilantism against people and their counsel accused of blasphemy or otherwise suspected or following another religion. We support LRWC's calls and demand that the Pakistani authorities immediately implement them.

- 4) We demand that the Government of Pakistan call upon the parliament of Pakistan to immediately repeal the provisions of the Pakistan Penal Code dealing with blasphemy, subsequently clear the way to drop all pending charges against those who are charged with such offences and release anyone accused with these offences.
- 5) As for concrete measures to protect lawyers, LRWC has made the following recommendations: ensure that all allegations of enforced disappearance and extrajudicial executions are investigated and those responsible are brought to justice. Conduct an independent inquiry into all suspected cases of enforced disappearances of lawyers and human right defenders and hold accountable those responsible. Investigate all reports of attacks on lawyers, journalists and human right defenders and bring the perpetrators to justice. Continue efforts to cooperate with the UN Special Rapporteur on the situation of human rights defenders to ensure that all allegations of improper use of criminal laws are investigated in an effective, impartial, and prompt manner. We strongly support these measures and demand their immediate implementation. We also support the recommendations of the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances on its mission to Pakistan and demand its immediate implementation.
- 6) We urge lawyers, Bar associations, law societies and NGOs to issue messages of support and solidarity with our Pakistani colleagues as soon as possible. Messages can be sent to the Pakistan Bar Council (the national lawyers association) at info@pakistanbarcouncil.org The Council's website is <http://pakistanbarcouncil.org/> and it regularly publishes press releases about its activities, including in defence of lawyers in danger. It would certainly appreciate your support and solidarity. Please forward to us any statements you issue or send to the Council.
- 7) 7) We call on the European Union and its Member States to use their relations with Pakistan to strengthen the protection of lawyers and human rights defenders in accordance with Pakistan's international obligations.

We are heartened by some recent efforts by the international community to take the protection of endangered lawyers more seriously. In particular, at the beginning of July 2019 the G7 Bars Meeting was held in France, with representatives of the Bars of France, Canada, Germany, USA, Japan, England and Wales as well as Italy, representing 1.8 million lawyers. They adopted 20 proposals to G7 governments, meeting in Biarritz France in August 2019, including one: "Commit to support actions marking the Day of the Endangered Lawyer and to encourage other countries to do likewise."

The courageous lawyers of Pakistan have suffered greatly for many years, including many murders and other instances of serious harm. Although some segments of the international legal community have documented and spoken out against these attacks on some occasions, we are of the view that much more needs to be done to focus urgent international attention on this tragic situation. They deserve our total support and our solidarity. **HANDS OFF PAKISTANI LAWYERS!**

For more information, please consult the multilingual blog on attacks against lawyers of the IAPL Monitoring Committee on Attacks on Lawyers, which very closely monitors Pakistan:

<https://defendlawyers.wordpress.com/tag/pakistan/>

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